

CP 363

PATENT

Docket No. 12873/04289

UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of Owens :
:
U.S. Serial No.: 09/977,122 : Examiner: Bottorff, Christopher
:
Filed: Oct. 12, 2001 :
: Art Unit: 3637
For: INWARDLY FOLDING AMBULATORY :
DEVICE WITH AN UPWARDLY :
PIVOTABLE SEAT :

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, publications and other information listed on the attached PTO-1449. A copy of each listed document is enclosed except for: (a) pending applications or (b) those previously cited or submitted to the Office in the following application(s) upon which this application relies for an earlier filing date under 35 U.S.C. 120:

Serial No.: _____
Filing Date: _____

Regarding any document, publication or other information for which a date is not given on the attached PTO-1449, Applicant(s) believe(s) the same may qualify as "prior" to this application and should be treated accordingly, although Applicant(s) reserve(s) the right to contest the prior art status of any document, publication or information, should issue arise.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. §1.97(g)), an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. §1.97(h)), or that no other material information exists.

The identification of any information herein is not intended to be, and should not be understood as being, an admission that such information, in fact, constitutes "prior art" within the meaning of applicable law. The "prior art" status of any information is a matter to be resolved during prosecution.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

03/11/2005 RFEKADU1 00000005 030172 09977122

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2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- ☐ (a) Copy of English language version of a search report indicating the degree of relevance found by the foreign office of each document being submitted from the search report.
- ☐ (b) Attachment entitled "Concise Explanation of Relevance of Non-English Language Documents". (See attached International Search Report).

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed:


- ☐ (a) Within 3 months of the filing date or date of entry into the National Stage.
- ☐ (b) Before the mailing date of a first Office Action on the merits. If this Statement is not filed before the mailing date of a first Office Action on the merits, the required certification is given below or, in the absence thereof, the Office is authorized to charge the required fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. **03-0172** for consideration of this Statement.
- ☒ (c) After the period set forth in 37 C.F.R. 1.97(b) but before the mailing date of either a final action or a notice of allowance.
 - ☐ (1) The required certification is given below, or
 - ☒ (2) Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. **03-0172**.
- ☐ (d) After the mailing date of either a final action or a notice of allowance, but before payment of the issue fee. Petition hereby is made for consideration of this Statement and the required certification is indicated below.
 - ☐ (1) Charge the fee set forth in 37 C.F.R. 1.17(i)(1) to Deposit Account No. **03-0172**.

4. Certification (if applicable)

- ☐ (a) The undersigned hereby certifies that each item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Statement.
- ☐ (b) The undersigned hereby certifies that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the undersigned's knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Statement.

5. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 03-0172.

Respectfully submitted,


Warren M. Haines II
Attorney for Applicants
Reg. No. 40,632

Certificate of Mailing

I hereby certify that this *INFORMATION DISCLOSURE STATEMENT* is being deposited on this, the 31st day of March, 2005, with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Joyce Ford
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	09/977,122
Filing Date	Oct. 12, 2001
First Named Inventor	Owens
Art Unit	3618
Examiner Name	Christopher Bottorff
Attorney Docket Number	12873/04289

Sheet	2	of	3
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Walking Aids by Invacare, Catalog, 1974	
		Invacare Personal Care Products, Catalog, 2001	
		2002 Eagle Health New Products, Catalog	
		Folding Walkers, Catalog, undated	
		Drive Medical Design and Manufacturing Products Catalog, undated	
		Pro Basics Ambulatory Aids, www.pmiusa.biz/html_files/ambulatory.html, 09/23/2003	
		New Walkers and Accessories, Invacare, Catalog, 3/29/94	
		More Great Options From Invacare, Catalog, 1994	
		Invacare Ambulatory, Feb. 1996	
		New Walkers and Accessories, Invacare, Catalog, 10/01/94	

Examiner Signature		Date Considered	
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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3

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		Action Lifestyles by Invacare, Catalog, 1991	
		Invacare Personal Care Products, Catalog, 2000	
		Guardian Walking Aids, Catalog, 2001	
		Durable Medical Equipment, Catalog, 2001	
		Walking Aids from Medline, Catalog, 2003	
		Medical Depot Inc., products catalog, 2001	

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